REMARKS

Applicants acknowledge receipt of the Office Action dated November 23, 2007. In that action, the Examiner (1) objected to the drawings under 37 CFR § 1.114; (2) rejected claims 1-5, 8, 10-17 and 21-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,737,895, issued to Perrin (hereinafter "*Perrin*"); and (3) objected to claims 18-20 as being dependent upon a rejected base claim but determined these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully request the Examiner to reconsider his rejections and objections in view of the preceding amendments and following remarks.

Applicants disclose a structural wall coupling system for a building, wherein stacks of shear walls (as defined and differentiated from conventional building walls in the Amendment dated September 19, 2007) are coupled together not by conventional and incidental building members, but by a member spanning the top of the separate stacks of shear walls specifically designed to resist the lateral loads of catastrophic shear forces. In some embodiments, the rigid member spans a corridor separating the stacks of shear walls (see Fig. 4A) and is parallel with the two shear walls it is coupling, which are also parallel (see Fig. 5); such embodiments are covered by claim 13.

Perrin discloses a conventional multistory building. The members represented by item 54, and particularly item 54E, are "typical floor/ceiling panel[s]." See *Perrin* col. 9, l. 9. *Perrin* further explains that the floor/ceiling panel 54 is similar to wall panels 2. See *Perrin* col. 9, ll. 17-19. Thus, nothing distinguishes item 54/54E from regular floors, ceilings and walls, which *Perrin* does not disclose as, and one of ordinary skill in the art would not understand as being lateral load-resisting members capable of withstanding catastrophic shear forces. As support for a rigid member adapted to resist catastrophic shear forces, the Examiner cites the steel "X" bracing strapping taught by *Perrin*. See *Perrin* col. 8, ll. 37-49. However, the steel "X" bracing has no relationship to the members 54E identified by the Examiner (the bracing is applied to the wall panels 2), and Applicants are unclear how the conventional steel "X" bracing can be characterized as a rigid member connecting spaced-apart shear walls.

In order to establish a *prima facie* case of anticipation, the Examiner must show that each and every element of the claims is disclosed, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). If a single element is not found in the prior art reference, the claims are not anticipated. Additionally, the Federal Circuit has held that "[t]o anticipate, every element and limitation of the claimed invention must be found in a single prior art reference ***arranged as in the claim***." *Brown v. 3M*, 265 F.3d 1349, 60 U.S.P.Q.2d 1375 (Fed. Cir. 2001). It is the Examiner's burden to show how *Perrin* discloses the claimed shear walls, the rigid member, and the coupling of the shear walls with the rigid member to resist catastrophic shear forces.

With reference to claim 1, a rigid member is adapted to couple the top of a shear wall to the top of another, spaced-apart shear wall, the coupled shear walls being in separate stacks of shear walls. The rigid member, in this relationship between the spaced-apart shear walls, is adapted to resist catastrophic shear forces in the shear walls. It is the Examiner's burden to show such a rigid member in *Perrin*. Item 54E is not such a member, as it is simply a typical floor/ceiling panel that is not disclosed as coupling the tops of spaced apart shear walls. The panels 54E also do not resist catastrophic shear forces. The steel "X" bracing strapping is also not the claimed member, as it is not disclosed to couple the tops of spaced apart shear walls. Steel "X" bracing strapping is common in the industry, and known to one having skill in the art as used at the intersection of framed components, but not as a rigid coupling member between the tops of spaced-apart shear walls. Furthermore, Applicants stress that item 54E and the steel "X" bracing cannot be combined to teach a "member" as claimed, because a member is defined as a constituent part of any structural or composite whole, such as an element of a set. *Dictionary.com Unabridged (v.1.1)*, Random House, Inc., http://dictionary.reference.com-/browse/member (accessed: February 20, 2008). Multiple parts cannot be a member; therefore, panel 54E and the steel "X" bracing together cannot be the claimed member.

The floor, ceiling and wall panels of *Perrin*, as well as the "X" bracing, are conventional building components entirely contemplated by Applicants disclosure. In addition to building a sturdy structure, Applicants are attempting to outfit their structure to resist catastrophic shear forces—not just winds, but seismic actions that can completely destroy a building. Applicants' development over the prior art is the rigid coupling member that attaches to spaced-apart shear walls and couples stacks of shear walls such that they may resists catastrophic shear forces. The conventional components taught by *Perrin* simply do not suffice to address the problem identified by Applicants. In other words, the claimed rigid member is additional to the conventional components of *Perrin* (such as floor, wall and roof components), such that Applicants' building has increased resistance to catastrophic shear forces.

With reference to claim 11, *Perrin* fails to teach a rigid member coupling first and second stacks of tunnelform across a corridor thereby resisting catastrophic shear forces applied to the stacks of tunnelform. As previously described, the panel 54E and "X" bracing of *Perrin* simply do not teach the claimed member, nor do they couple spaced-apart stacks of tunnelform across a corridor, nor do they present teachings sufficient to increase resistance to catastrophic shear forces in stacked shear wall buildings, as does Applicants' disclosure and claimed structures.

With reference to claim 13, *Perrin* fails to teach means for spanning a corridor between stacks of shear walls to connect the tops of a shear wall in the first and second stacks, and maintaining the connection during seismic actions. The connected shear walls and the means connecting them must also all be parallel. *Perrin* fails to disclose this.

With reference to claim 16, it has been amended to include the limitations of claim 17 and 18. The Examiner indicated claim 16 would be allowed if rewritten in this form.

For at least these reasons, Applicants respectfully submit the rejected claims are allowable over the cited art.

DRAWING OBJECTIONS

The Examiner has objected to the drawings for failing to show a plurality of rigid members. Applicants direct the Examiner's attention to Figure 5, wherein a plurality of rigid coupling members are shown connecting several pairs of shear walls in a portion of a building. Applicants believe current Figure 5 satisfies the Examiner's concern under 37 CFR § 1.114, and that the drawing objection should be withdrawn accordingly.

CONCLUSION

Applicants believe all matters in the Office Action dated November 23, 2007 have been addressed, and respectfully request the claim rejections be withdrawn and a notice of allowance be issued. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769 (2187-00101).

Respectfully submitted,

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